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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,457	01/31/2002	Ken Kutaragi	SCEIYA 3.0-116	2191
530 7590 09/11/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER TOLENTINO, RODERICK				
ART UNIT		PAPER NUMBER		
2134				
MAIL DATE		DELIVERY MODE		
09/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/066,457

Applicant(s)

KUTARAGI ET AL.

Examiner

Roderick Tolentino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/10/2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 43-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 43 – 52 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 43, 47 and 52 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by amendment by applicant 07/10/2008.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 43, 44, 47, 48, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett U.S. Patent No. (6,738,950) in view of Colvin U.S. Patent No. (6, 044,471).
5. As per claims 43, 47 and 51 Barnett teaches a first information processing apparatus having a user interface for receiving input including a password from a user and for providing output to the user (Barnett, Col. 1 Lines 50 – 58, user prompted for password) and a second information processing apparatus including a database, said second information processing apparatus capable of being connected to the first information processing apparatus via a network (Barnett, Col. 1 Lines 50 – 58, database

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to check usernames and passwords), wherein in the second information processing apparatus is operable to receive first identification information and second identification information over the network from the first information processing apparatus (Barnett, Col. 1 Lines 50 – 58, database to check usernames and passwords), the second identification information identifying a program stored on a recording medium coupled to the first information processing apparatus, the second information processing apparatus being operable to verify whether the received first and second identification information and the password match data stored in the database (Barnett, Col. 1 Lines 50 – 62, program about to be run on the computer readable medium with embedded program requiring password) and such that when each of the first and second identification information matches the data stored in the database (Barnett, Col. 1 Lines 50 – 58, database to check usernames and passwords), or the second identification information matches the data stored in the database and a password inputted by the user at the first information processing apparatus is valid, the second information processing apparatus (Barnett, Col. 1 Lines 50 – 58, database to check usernames and passwords), but fails to teach the first identification information identifying at least one of the first information processing apparatus of a user of the first information processing apparatus and permits the first information processing apparatus to execute the program. However, in an analogous art Colvin teaches the first identification information identifying at least one of the first information processing apparatus of a user of the first information processing apparatus (Colvin, Col. 3 Lines 20 – 27, users required to have software password) and

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permits the first information processing apparatus to execute the program (Colvin, Col. 3 Lines 5 – 13, compares password information if not valid deactivation of software).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Colvin's method for securing software to reduce unauthorized use with Barnett's system for dynamic generation of web site content for specific user communities from a single content database because it offers the advantage of reducing the unauthorized use of software (Colvin, Col. 1 Lines 52 – 58).

6. As per claim 52, Barnett teaches information processing apparatus capable of being connected through a network to a first information processing apparatus, the second information processing apparatus comprising a database and being operable to receive a password inputted by a user at the first information processing apparatus (Barnett, Col. 1 Lines 50 – 58, database to check usernames and passwords) and first identification information and second identification information over the network from the first information processing apparatus, the first identification information identifying at least one of the first information processing apparatus or a user of the first information processing apparatus (Barnett, Col. 1 Lines 50 – 58, database to check usernames and passwords), the second identification information identifying a program stored on a recording medium coupled to the first information processing apparatus, and verify whether the received first and second identification information and the password match data stored in the database Barnett, Col. 1 Lines 50 – 62, program about to be run on the computer readable medium with embedded program requiring password), such that when each of the first and second identification information matches the data stored in

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the database, or each of the second identification information (Barnett, Col. 1 Lines 50 – 58, database to check usernames and passwords), but fails to teach and the password matches the data stored in the database the second information processing apparatus permits the first information processing apparatus to execute the program. However, in an analogous art Colvin teaches the password matches the data stored in the database the second information processing apparatus-permits the first information processing apparatus to execute the program (Colvin, Col. 3 Lines 5 – 13, compares password information if not valid deactivation of software).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Colvin's method for securing software to reduce unauthorized use with Barnett's system for dynamic generation of web site content for specific user communities from a single content database because it offers the advantage of reducing the unauthorized use of software (Colvin, Col. 1 Lines 52 – 58).

7. As per claim 44 and 48, Kuprionas as modified teaches the identification information includes a user ID (Barnett, Col. 1 Lines 50 – 58, database to check usernames and passwords).

8. Claims 45, 46, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett U.S. Patent No. (6,738,950) and Colvin U.S. Patent No. (6,044,471) and in further view of Kuprionas U.S. Patent No. (6,948,168).

9. As per claims 45 and 49, Barnett fails to teach the identification information includes a device ID. However, in an analogous art Kuprionas teaches the identification

information includes a device ID (Kuprionas, Col. 1 Lines 58 – 61, unique computer identifiers).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Kuprionas' Licensed application installer with Barnett's system for dynamic generation of web site content for specific user communities from a single content database because it offers the advantage verifying the propriety of distributing licensed software (Kuprionas, Col. 1 Lines 36 – 39).

10. As per claims 46 and 50, Barnett fails to teach the device ID is unique to the first information processing apparatus. However, in an analogous art Kuprionas teaches the device ID is unique to the first information processing apparatus (Kuprionas, Col. 1 Lines 58 – 61, unique computer identifiers).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Kuprionas' Licensed application installer with Barnett's system for dynamic generation of web site content for specific user communities from a single content database because it offers the advantage verifying the propriety of distributing licensed software (Kuprionas, Col. 1 Lines 36 – 39).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino
Examiner
Art Unit 2134

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